

**SUMMARY MINUTES
DURHAM BOARD OF ADJUSTMENT
MARCH 28, 2000**

The meeting was called to order at 8:30 a.m.

ROLL CALL

The Clerk called the roll and recorded attendance as follows:

MEMBERS SEATED

Lavonia Allison
William Brian
James Edney
Kate Fulkerson
Louis Goetz
Corinne Mabry
David Smith
Connia Watson

MEMBERS NOT SEATED

MEMBERS ABSENT

Evelyn Lovett
Kathy Wright-Moore

STAFF PRESENT

Brenda J. Daniel, Clerk, Board of Adjustment
Cassandre Haynesworth, Planning Staff
Betty Johnson, Planning Staff
Karen Sindelar, Deputy City Attorney
Lowell Siler, Deputy County Attorney
Helen Youngblood, Key Leader

SWEARING IN OF WITNESSES

The Chairman administered the oath to the following applicants and witnesses:

Helen Youngblood	Betty Johnson
Cassandre Haynesworth	Babbara Taylor
Paul Bryant	Joseph H. Yongue
Furney Brown	Bobby Brown
Bobby Moore	Billy Philport
Walter Blackwell	Carl Hodges
Dona Edwards	Leon Parker
Nathaniel Thompson	Geneva Dillard
William Marsh, Jr.	Jarvis Martin
Annie Bridges	Patricia Moore
Carrie Brooks	Robert Scotton
Mary Scotton	Thelma Turner
Olivia Philpott	Carolyn Bryant
Scott Smith	Shawn Mercer
Dale McKeel	Steve McEvay
WT Jones	Steve Hodson
Peter Sarda	John

Bland

HEARING AND DETERMINATION OF CASES

Ms. Johnson asked that all staff reports and materials submitted at the meeting be made part of the permanent record with any additions, deletions, and or corrections that may be necessary. All Board members concurred.

Chair Watson read the following statement into the record:

This Board is a quasi-judicial Board and as such, all testimony will be recorded. The process is similar to a court procedure. First the staff will present an overview of the case, then the applicant presents its evidence.

The opponents, if there are any, will then present their evidence. The applicant may then present its rebuttal. Board members may ask questions at any time. All testimony is given under oath. In a few minutes I will give the oath to all witnesses as a group. All witnesses are asked to sign the roster at the podium if you have not done so.

All witnesses should come to the podium and speak directly into the microphone so the testimony can be recorded on tape. Written evidence shall be formally presented to the Chair and a determination will be made about whether it should be accepted. Either side can inspect written evidence. All evidence, written and oral, can be objected to. Witnesses are subject to cross-examination.

Opposing representatives will have a chance to question witnesses after all the witnesses for the other side have testified. If you wish to cross-examine, you must raise your hand when I ask for cross-examination and I will recognize you.

The Board will vote on each case after the presentation of all evidence, pro and con, concerning the case. The law requires that in order for an applicant's request to be granted 5 of the 7 voting Board members must approve the request.

Board members may have visited the site in preparation for this meeting.

**Summary Minutes
March 28, 2000**

SEATED: Ms. Allison, Mr. Brian, Ms. Fulkerson, Mr. Goetz, Ms. Mabry, Mr. Smith, Mr. Watson

Case B99-65 City

A request by Furney E. Brown for a Minor Special Use Permit to construct a 4,518 square foot building with associated parking to operate a daycare facility for a maximum of 68 children, including 8 infants, as per Sections 4A.2.3.5, 7.13 and 13.1 of the Durham Zoning Ordinance. The proposed hours of operation are 6:30 a.m. to 7 p.m., Monday through Friday. The property is located on the north side of Worthley Drive and zoned R-20. Tax Map 517-1-7, 7c.

Staff Presentation was made by: Betty Johnson

Persons Appearing in Support: Attorney William Marsh; Dr. Furney Brown; Joseph Yongue of Yongue Architecture; Jarvis Martin, Appraiser; Barbara Taylor; Carolyn Bryant (5 other persons were noted as appearing in support).

Persons Appearing in Opposition: Donna Edwards (presented 6 exhibits); Walter Blackwell of Pearisontown Neighborhood Association; Chief Nathaniel Thompson; Carl Hodges; Billy Philpott; Leon Parker; Annie Bridges (12 other persons were noted as appearing in opposition).

Staff Recommendation was: Approval

Motion: Ms. Fulkerson made a motion to grant the request as submitted based on findings of fact by the Board that Sections 4A.2.3.5, 7.13, 8.1.15, 9, 10, 12 and 13.1 of the Durham Zoning Ordinance had been met.

Conditions: That all site plan corrections be made.

Seconded By: Mr. Brian

Vote: Yes: Mr. Goetz, Mr. Smith
No: Ms. Allison, Mr. Brian, Ms. Fulkerson, Ms. Mabry, Mr. Watson

Action: Denied

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SEATED: Mr. Brian, Mr. Edney, Ms. Fulkerson, Mr. Goetz, Ms. Mabry, Mr. Smith, Mr. Watson

Case B00-4 County

A request by GTE Mobile Net of Raleigh for a Minor Special Use Permit for a tower for transmitting and receiving electronic signals as per Sections 4A.1.20, 7.39, 9, 10 and 13.1 of the Durham Zoning Ordinance. The property is located at 1321 Boyce Mill Road and zoned RD and R-20 (F/JA). Tax Map 992-1-13.

Staff Presentation was made by: Helen Youngblood

Persons Appearing in Support: Scott Smith, Shawn Mercer; Steve McEvay

Persons Appearing in Opposition: Dale McKeel; Peter Sarda

Staff Recommendation was: N/A

Note: At this point a Board member had to leave, leaving 6 Board members seated. The applicant was informed that 5 affirmative votes are required in order for the request to be approved and given the choice of continuing with 6 Board members or having the case continued to the next Board of Adjustment meeting. The applicant chose to have the case continued to the April 25, 2000 meeting.

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Approval of Summary Minutes

The summary minutes of February 8, 2000 and February 22, 2000 were unanimously approved as submitted on a motion by Mr. Brian, seconded by Mr. Goetz.

With no further business to come before the Board, the meeting adjourned at approximately 12:10 p.m.

Respectfully submitted,

**Brenda J. Daniel, Clerk
Durham Board of Adjustment**